REMARKS

Claims 1, 5, 9-14, 16-18, 22, 26-31, 33-40, 42, 43, 45, 46, 49-50 and 51-64 are pending in the application.

Claims 1, 5, 9-14, 16-18, 22, 26-31, 33-40, 42, 43, 45, 46, 49-50 are cancelled herein.

Claims 51-64 are new. Applicant has decided to cancel the original claim set and replace it with a new set in order to clarify the claimed subject matter. The new claims are fully supported by the original disclosure, for example paragraphs 24-25 and 32 of applicant's specification. No new matter has been added.

Claim Rejections

Claims 1, 5, 9-14, 16-18, 22, 26-31, 33-40, 42, 43, 45, 46, 49-50 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lam et al. in US patent application publication 2005/0172092 (hereinafter "Lam") and Armangau in US patent No. 6,434,681 (hereinafter "Armangau") and further in the view of Cabrera, et al. in US patent No. 6,708,227 (hereinafter "Cabrera"). In view of the cancellation of these claims by the Applicant, this rejection becomes moot.

With regard to applicant's new claims 51-64, it is respectfully submitted that the combination of references cited for the previous claims fails to teach or suggest each and every claimed feature found in the new claims as required in order to support a *prima facie* case of obviousness.

Lam teaches a method for storing data by utilizing a continuous replication method to store data on a primary storage system and to generate a **backup version** of the data on a **backup storage system**. (Lam, Abstract)

Lam teaches saving data writes in a staging storage device, however, data writes are not ordered according to the time that they are received. This a major difference between Lam and the present claimed invention. As Lam's system is targeted to maintain a backup copy, and therefore the time in which data is recoded in not required to the backup process. However, a snapshot is a record of data stored in a storage system **at a specific moment in time**. Therefore, by failing to order data writes (or data chunks) according to the time that the write SCSI command was received, an update copy of the production storage cannot be created. Applicant's claimed inventions clearly teaches saving data writes according to their order, which is supported by applicant's disclosure, for example paragraphs [0024] and [0025].

Furthermore, neither of the other cited references, Armangau nor Cabrera, alone or in combination, teach how to modify the staging device of Lam's system to save the new data chunk and the destination address in a journal in an order determined according to a time that the write SCSI command was received.

Furthermore, neither Armangau nor Cabrera, alone or in combination, show how to maintain an updated copy of the production storage in a single I/O operation, for example in one of claims 55-57. Applicant's claimed invention clearly teaches this ability as shown in paragraph [0032].

Specifically, Armangau teaches performing three operations in order to maintain an updated copy of the production storage. These operations include reading data from the storage location of the production data set, writing the data to an allocated storage location of the snapshot volume, and writing new data in the write operation in the storage location of the production data set. (Armangau, Abstract).

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For at least the foregoing reasons it is respectfully submitted the new claims should be allowed.

Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. If there are any questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below. While it is believed that no additional fee is due, please charge any additional fees associated with this application to Deposit Account No. 50-3894

Respectfully submitted,

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